

**EXHIBIT 5****ANTOY BELL - VOLUME 1 - July 15, 2020**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

TIMOTHY W. REPASS AND	)	
WILLIAM SCOTT MCCANDLESS,	)	
INDIVIDUALLY AND ON	)	
BEHALF OF ALL OTHERS	)	
SIMILARLY SITUATED,	)	CIVIL ACTION
	)	
Plaintiffs,	)	NO. 7:18-CV-107-DC-RCG
	)	
VS.	)	
	)	
TNT CRANE AND RIGGING,	)	
INC.,	)	
	)	
Defendant.	)	

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ORAL DEPOSITION OF

ANTOY BELL

AS DESIGNATED REPRESENTATIVE OF

TNT CRANE & RIGGING, INC.

July 15, 2020

Volume 1

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ORAL DEPOSITION OF ANTOY BELL, Volume 1, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 15th of July, 2020, from 10:03 a.m. to 2:58 p.m., before Julie A. Jordan, CSR, RPR, in and for the State of Texas, reported by machine shorthand via Zoom, at the offices of TNT Crane & Rigging, Inc., 925 South

**JULIE A. JORDAN & COMPANY**

**PHONE (512) 451-8243 FAX (512) 451-7583**

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1 Q. Were any of these complaints in writing?

2 A. I'd have to review the text messages to see if  
3 it was that way. Barring that, no, I do not believe so.

4 Q. And when these complaints were -- or concerns  
5 were registered with TNT, did TNT undertake a -- a  
6 review of any of its compensation policies?

7 A. That would have been shortly after the memo  
8 was -- was put out, so the review would have taken place  
9 prior to the -- the concern being raised.

10 Q. And you've testified about everything you did  
11 to review it back then, right?

12 A. Yes.

13 Q. What written administrative regulations did  
14 TNT rely on in formulating its drive time policies to  
15 make sure it complied with the FLSA?

16 A. Couldn't recall.

17 Q. Are there any orders or rulings by the  
18 Department of Labor that TNT relied on to make sure that  
19 its drive time policies were compliant with the FLSA?

20 A. I wouldn't be able to tell you the exact --  
21 exact ones.

22 Q. Okay. All of the operators in this case  
23 are -- well, at least while working with TNT, were  
24 working under the same job description. Is that true?

25 A. Yeah. While they were operators, yes, all the

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1 operators would -- would have the same general job  
2 description, yes.

3 Q. Okay. And TNT has produced one job  
4 description in this case and that applies to all of the  
5 operators while they were operators, correct?

6 A. That is correct.

7 Q. And the operators all performed the same  
8 general work, correct?

9 A. Yes, sir.

10 Q. And they did so all in the state of Texas,  
11 correct? Well, and New Mexico to some extent?

12 A. I need to look at the plaintiff list again.  
13 It could have been in other states as well.

14 Q. Well, all of the -- the plaintiffs in this  
15 case right now, they all worked out of either Houston,  
16 San Antonio, or Midland, correct?

17 A. Correct.

18 Q. And all of the plaintiffs were paid by the  
19 hour with the possibility of receiving a per diem,  
20 correct?

21 A. Correct.

22 Q. And all of the crane operators were required  
23 to follow the drive time policies applicable to the  
24 three yards in the case that we have discussed today,  
25 correct?

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1 A. Correct.

2 Q. And has TNT or does TNT assert any  
3 individualized defenses against any of the particular  
4 plaintiffs in the case?

5 MR. JODON: Objection, calls for a legal  
6 conclusion.

7 A. I don't know.

8 Q. (BY MR. MORELAND) Okay. Let me ask it in a  
9 little bit more concrete way.

10 Has -- does TNT assert any affirmative  
11 defenses against one plaintiff that it doesn't assert  
12 against another that you can specify right now?

13 A. I -- I can't specify right now. I don't know.

14 Q. Can you specify any defense that TNT asserts  
15 in this case that is not applicable to all plaintiffs?

16 A. Each one is a little bit different. I'd have  
17 to look at all of them to see.

18 Q. But sitting here today as a corporate  
19 representative, you cannot do that, correct?

20 A. Sitting here today without reviewing the  
21 defenses in front of my face, no. Maybe if we go and  
22 look at each one of them.

23 MR. MORELAND: I'll respectfully object  
24 to everything after "no" as nonresponsive.

25 Q. (BY MR. MORELAND) TNT has produced some

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REPORTER'S CERTIFICATION  
ORAL DEPOSITION OF  
ANTOY BELL  
July 15, 2020  
Volume 1  
(REPORTED REMOTELY)

I, Julie A. Jordan, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:

That the witness, ANTOY BELL, was duly sworn by the  
officer and that the transcript of the oral deposition  
is a true record of the testimony given by the witness;

That the original deposition was delivered to  
Mr. Edmond S. Moreland, Jr.;

That a copy of this certificate was served on all  
parties and/or the witness shown herein on \_\_\_\_\_.

That the amount of time used by each party at the

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1 deposition is as follows:

2 EDMOND S. MORELAND, JR. - 04 HOUR(S):00 MINUTE(S)  
3 G. MARK JODON - NONE

4 I further certify that pursuant to FRCP Rule 30 (f)  
5 (1) that the signature of the deponent:

6 XXXXX was requested by the deponent or a party  
7 before the completion of the deposition and that the  
8 signature is to be before any notary public and returned  
9 within 30 days from date of receipt of the transcript.  
10 If returned, the attached Changes and Signature Pages  
11 contain any changes and reasons therefore:

12 \_\_\_\_\_ was not requested by the deponent or a party  
13 before the completion of the deposition.

14 I further certify that I am neither counsel for,  
15 related to, nor employed by any of the parties or  
16 attorneys in the action in which this proceeding was  
17 taken, and further that I am not financially or  
18 otherwise interested in the outcome of the action.

19 Certified to by me this 27th of July, 2020.

20 *Julie A. Jordan*

21 Julie A. Jordan, Texas CSR 3203

22 Expiration Date: 1/31/22

23 Firm Registration No. 280

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